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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,711	12/18/2000	Alejandro Wiechers	10001309-1	9476

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EXAMINER

LETT, THOMAS J

ART UNIT PAPER NUMBER

2625

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,711

Applicant(s)

WIECHERS, ALEJANDRO

Examiner

Thomas J. Lett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments, see amendment, filed 26 May 2006, with respect to the rejections of claims 29-30 under 35 USC § 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Tanaka under 35 USC § 103.

Applicant argues that the prior art of Tanaka at least does not teach receiving via a network a print command and user parameters that are to be used to select a printer, "the print command and user parameters having been provided using a network browser". Specifically, Tanaka says nothing of a print command or user parameters being provided with a "network browser". Applicant further argues that the Tanaka reference does not include the term "browser" at all. Applicant reiterates that, for a proper rejection under 35 USC § 102, the applied reference must teach each element of the claim.

With respect to a print command, a user using user terminal 4 can request a print service to the service center 2 via the communications network 1 (col. 4, lines 32-33).

With respect to user parameters, a user using user terminal 4 can submit a color job (col. 3, line 40), type of paper (col. 3, lines 41-42), location information of a user (col. 4, lines 8-9), etc. These are viewed as user parameters that are stored in a database. The service center 2 would then refer to the database and match these "user parameters" to find a printer device candidate (col. 4, lines 34-40) based on the user service request that is indicative of the user parameters.

Applicant further argues that the prior art of Tanaka does not use the term “browser” at all. It is true that Tanaka does not use the term. The user terminal 4 of Tanaka communicates over a communications network 1, which is the internet. It was well-known, at the time of application, that computer devices such as user terminal 4 (i.e., workstations or mobile) use a web browser to communicate data via the internet.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show browser 12 as described in the specification at p4, line 25. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are

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not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: browser 12 (p4, line 25) is not shown in the drawings.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (USPN 6,522,971 B1) in view of well-known prior art.

With respect to claim 29, Tanaka discloses a printing method comprising:

receiving via a network (communication network 1, col. 4, lines 33-34) a print command (service request, col. 4, lines 34-36) and user parameters (col. 3, lines 37-45) that are to be used to select a printer (selected candidate for service station 3, col. 4, lines 37-40), the print command and user parameters having been provided using a network browser (user terminal to have access to the service center through the

communication network such as the internet, col. 5, lines 10-12), the user parameters including a printer location parameter (service center 2 refers to the database device based on the content of the service request from the user terminal 4 or a location of the user terminal 4 as it relates to the service station 3, col. 4, lines 32-40);

searching a plurality printers for a printer that satisfies the received user parameters (based on user criteria, service center 2 selects at least one printer candidate, col. 4, lines 34-40);

identifying at least one candidate printer that satisfies the received user parameters (based on user criteria, service center 2 selects at least one printer candidate, col. 4, lines 34-40);

determining the availability of the at least one candidate printer (the database stores the respective facilities or business conditions of the service stations, col. 3, lines 25-27);

selecting a printer from the at least one candidate printer (selects at least one candidate for the service station 3, col. 4, lines 33-38); and

forwarding the print command to the selected printer to enable the selected printer to print a document for the user (print data is transmitted to a printer for printing, col. 4, lines 52-56).

Tanaka does not expressly disclose using a network browser. The user terminal 4 of Tanaka communicates over a communications network 1, which is the internet. It was well-known, at the time of application, that computer devices such as user terminal 4 (i.e., workstations or mobile) use a web browser to communicate data via the internet.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the well-known web browser feature to Tanaka in order to obtain a device capable of submitting data via the internet 1. The motivation for doing so would be to show html documents and to transfer data.

With respect to claim 30, Tanaka discloses a method of claim 29, wherein the selected printer is the physically closest printer to the user (the system of Tanaka can relate the distance of a product/service in relation to a user, col. 8, lines 14-30).

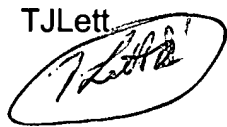
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is (571) 272-7464. The examiner can normally be reached on 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TJLett




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PRIMARY EXAMINER